

**THE WOODLANDS TOWNSHIP
BOARD OF DIRECTORS
REGULAR BOARD MEETING
APRIL 27, 2011
MINUTES**

**THE STATE OF TEXAS §
COUNTIES OF HARRIS & MONTGOMERY §**

The Board of Directors of The Woodlands Township met in regular session, open to the public, on April 27, 2011, posted to begin at 6:00 p.m. The meeting was held in a meeting room at the office of The Woodlands Township, Service Center, 2201 Lake Woodlands Drive, The Woodlands, Texas, within the boundaries of The Woodlands Township.

DIRECTORS PRESENT: Chairman Bruce Tough, Vice Chairman Lloyd Matthews, Secretary Claude Hunter, Treasurer Ed Robb, Director Nelda Blair, Director Tom Campbell, and Director Peggy Hausman

DIRECTORS ABSENT: None

STAFF/ADVISORS: Don Norrell, President/General Manager, John Powers, Assistant General Manager Community Services, Monique Sharp, Assistant General Manager of Finance & Administration, Fire Chief Alan Benson, Susan Welbes, Director of Human Resources, Nick Wolda, Director of Community Relations/CVB President, Miles McKinney, Legislative Affairs & Transportation Manager, Karen Dempsey, Management Analyst, Mary Connell, Community Relations Manager, Mike Page, Legal Counsel and Bret Strong, Legal Counsel

CALL TO ORDER:

Chairman Tough called the meeting to order at 6:00 p.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouses of Montgomery and Harris Counties and inside the boundaries of The Woodlands Township at the office building located at 2201 Lake Woodlands Drive, The Woodlands, Texas. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

CONSIDER AND ACT UPON ADOPTION OF MEETING AGENDA(S):

Chairman Tough called for a motion and second to adopt the agenda.

MOTION: Motion by Secretary Hunter; second by Vice Chairman Matthews

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VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

RECOGNIZE PUBLIC OFFICIALS:

There were no public officials.

PUBLIC COMMENT:

The following members of the public addressed the Board:

- **Marc Donaldson, Christ Church United Methodist**-discussed a proposed columbarium
- **Doris Siegner**-provided comments on the Township's hiring of consultants

The Public Comment Roster is attached hereto as Exhibit "A".

RECEIVE AND CONSIDER THE LAW ENFORCEMENT REPORT FROM DIRECTOR OF LAW ENFORCEMENT, MARIAN LECK;

Marian Leck presented the following law enforcement report:

- **Montgomery County Sheriff's Office Staffing (MCSO):**
Three new deputies assigned to District 6
Short one full time staff member
- **Harris County Constable's Office-Precinct 4:**
Construction theft is still ongoing
- **Crime Status and Trends:**
Burglary of Motor Vehicle-Down
Criminal Mischief-Down
Burglary of Building, Business and Habitation-Up
Highlighted Notable Arrests for the month of March 2011
- **Equipment Status:**
Action item on tonight's Board Agenda regarding Mobile Data Terminal Computer Equipment for Patrol Vehicles
- **Police-Community Partnership:**
Programs and Activities: Village Association Meetings, The Woodlands Watch, Watch Talk Wednesday, Good Neighbor Days
- **Overtime Programs:**
Ongoing and Specific (St. Patrick's Day and Spring Break)
- **Other:**
National Police Week will be observed May 15-21, 2011
Update on Crime Prevention, Community & Tourism Oriented Policing 40 hour course

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RECEIVE AND CONSIDER REPORTS FROM VILLAGE ASSOCIATION (VA) REPRESENTATIVES:

Reports were provided by the following Village Association (VA) representatives:

Alden Bridge VA-Steve Leakey passed around a picture sheet taken at the spring festival; commented on boy scout color guard ceremony at meeting; Sgt. Cassidy presented a law enforcement report at the last meeting; candidate forum for May 2011 election; announced that Philip Barker resigned from the Board; Director Tough and Hunter attended meeting and gave a Township report; awarded 3 \$1,000 scholarships; submitted Township services agreement; discussed 2011-12 business plan and submitted budget letter for input into the Township's budget process

Cochran's Crossing VA-Stuart Schroeder presented a report at the Board Workshop meeting on April 21, 2011

College Park VA-Ted Stanley reported that candidates/candidate representatives for the May 2011 election attended the meeting and made presentations; law enforcement report from Sgt. Cassidy; mock up of new web design; awarded 3 \$1,000 scholarships; Directors Hunter and Campbell attended meeting and gave a report; Spring Fling to be held May 28, 2011 in Harper's Landing

Indian Springs VA-Amy Lecocq thanked the Board for granting the village's funding requests; awarded 4 \$1,000 service scholarships; Board met with Parks and Recreation Council focus groups and President met with law enforcement group regarding respective studies; attempting to increase communications with residents through new website format and future monthly newsletter; asked local high school students to submit logos for village; ongoing concerns regarding traffic safety on Kuykendahl Road and noise on Gosling-Ed Chance's office is doing studies on both roads; thank you to Director Matthews and John Powers for assistance on the previous concerns; Parks Department is reseeded more wildflowers on Flint Ridge Road; invited Township Board to attend next meeting on May 10

Panther Creek VA-Everett Ison presented the annual report which included information about the Spring Flea Market, Flag Day, baseball outing, Arbor Day, Earth Day, 4th of July, CB&I Triathlon, National Night Out and scholarship program

Creekside Park VA-No report

Grogan's Mill VA-No report

Sterling Ridge VA-No report

The Village Association Representatives' Sign-In Sheet is attached hereto as Exhibit "B".

RECEIVE, CONSIDER AND ACT UPON A PROCLAMATION IN SUPPORT OF NATIONAL POLICE WEEK;

John Powers provided a brief overview of this item and then Chairman Tough called for a motion and second for support of the proclamation.

MOTION: Motion by Director Campbell; second by Director Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell

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Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

A Proclamation in Support of National Police Week is attached hereto as Exhibit "C".

CONSENT AGENDA:

(This agenda consists of non-controversial or "housekeeping" items required by law that will be placed on the Consent Agenda at the next Board Meeting and may be voted on with one motion. Items may be moved from the Consent Agenda to the Regular Agenda by any Board Member making such request.)

CONSIDER AND ACT UPON THE CONSENT AGENDA:

- (a) Approve minutes of the March 17, 2011 Board Workshop, March 23, 2011 Special Board Meeting, and March 23, 2011 Regular Board Meeting, with correction, of the Board of Directors of The Woodlands Township;
- (b) Approve the proposed contract with Joiner Partnership, Inc. for architectural and design services for Central Fire Station and authorize the President/General Manager to execute the agreement;
- (c) Accept the playground design proposal and award the contract to McKenna Construction to provide playground equipment and installation at Chandler Creek Park in the amount of \$60,000;
- (d) Approve the lease with Pitney Bowes Global Financial Services for mailing systems equipment and authorize the President/General Manager to execute the State and Local Fair Market Value Lease Agreement;
- (e) Approve The Woodlands Township's participation in The Cooperative Purchasing Network (TCPN) and authorize the President/General Manager to execute the Interlocal Agreement in connection therewith;
- (f) Approve the revisions to the 2011 Parks and Recreation Capital Projects list for new pathways as submitted with the same conditions and authorization to the President/General Manager as approved by the Board on January 20, 2011;
- (g) Authorize the purchase or lease/purchase of 24 Panasonic Toughbook CF31 Packages, 80 VPN Connectivity, Security and Tokens, and Air Cards for 59 patrol vehicles for the Montgomery County Sheriff's Office, District 6, The Woodlands Township as presented;

As there was no further Board discussion, Chairman Tough called for a motion and second to approve the Consent Agenda as presented.

MOTION: Motion by Treasurer Robb; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

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Minutes and Executive Summaries for Consent Agenda items are attached hereto collectively as Exhibit "D".

BRIEFINGS:

There were no briefing items.

REGULAR AGENDA:

RECEIVE, CONSIDER AND ACT UPON THE FINANCIAL REPORT:

Monique Sharp presented the Financial Report and referred the Board to handout material containing the preliminary General Purpose Statements as of and for the three months ended March 31, 2011. After a review of the Combined Financial Statements and Monthly Investment Report, a report on the General Fund Budget vs. Actual was presented. Ms. Sharp then reported on sales tax collections, hotel occupancy tax collections, and property tax collections. Board discussion followed. Chairman Tough then called for a motion and second to approve the Financial Report.

MOTION: Motion by Director Blair; second by Director Campbell

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

The Financial Report is attached hereto as Exhibit "E".

RECEIVE, CONSIDER AND ACT UPON ADOPTING A RESOLUTION ESTABLISHING RESIDENTIAL HOMESTEAD EXEMPTION(S) FROM AD VALOREM TAXATION BY THE WOODLANDS TOWNSHIP:

Chairman Tough called on Monique Sharp to present this item. Ms. Sharp gave a PowerPoint presentation regarding the financial impact on the Township's five-year plan if a 3% homestead exemption is applied. Board discussion followed. Following discussion, Chairman Tough called for a motion and second on this item.

MOTION: Motion by Director Blair to defer a decision regarding homestead exemption until the 2012 budget process is started and all the facts are presented; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Hausman

Nays: Director Campbell

Abstentions: None

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Absent: None

ACTION: Motion passed.

A copy of the Executive Summary and Ms. Sharp's PowerPoint presentation are attached hereto collectively as Exhibit "F".

RECEIVE, CONSIDER AND ACT UPON APPROVAL OF RELEASE OF BID DOCUMENTS FOR 9012 NEW TRAILS;

Chairman Tough called on Don Norrell to present this item. Mr. Norrell provided a summary of this item as outlined in an Executive Summary. Following Mr. Norrell's presentation, Damon Palermo, Project Manager, was called on to provide additional information. Mr. Palermo provided handout material of floor/site plans for the new office facility and then discussed the estimated renovation costs and sources of funds for the new office facility. Board discussion followed. Chairman Tough then called for a motion and second to authorize staff to proceed with the solicitation of bids in conjunction with the renovation of the 9012 New Trails office facility.

MOTION: Motion by Vice Chairman Matthews; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

Copies of the Executive Summary and handout material for the item above are attached hereto collectively as Exhibit "G".

RECEIVE, CONSIDER AND ACT UPON A FIRST AMENDMENT TO THE WATERWAY CRUISER SERVICE AGREEMENT;

Chairman Tough noted that this item was previously discussed at the Board Workshop meeting on April 21, 2011. As there was no further Board discussion on this item, Director Blair made the following motion:

MOTION: Motion by Director Blair to approve the First Amendment to the Waterway Cruiser Interlocal Service Agreement; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

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ACTION: Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "H".

RECEIVE, CONSIDER AND ACT UPON A TOWN GREEN PARK VETERANS MEMORIAL CONSTRUCTION AND DONATION AGREEMENT;

Chairman Tough called on John Powers to introduce this item. Mr. Powers provided background information on the item as outlined in an Executive Summary. Following Mr. Powers' presentation, project representatives were recognized and given an opportunity to address the Board. Bill Wingo, Chair of the Veteran's Memorial project, presented details of the project and then Everett Ison, Co-Chair of the Veteran's Memorial project and Commander of American Legion Post 305, introduced the consultants involved in the project design and construction: Charles Burditt, Burditt and Associates; Diana Wilson and Matthew Long, Landscape Architects and Edd Hayes, sculptor. Board discussion followed. John Powers provided additional information regarding the Veterans Memorial Construction and Donation Agreement and Mr. Wingo addressed specific questions from the Board. Chairman Tough then called for a motion and second to approve the agreement and authorize the President/General Manager to execute the agreement.

MOTION: Motion by Director Hausman; second by Vice Chairman Matthews

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "I".

RECEIVE, CONSIDER AND ACT UPON A CLARIFYING AMENDMENT TO ORDER NO. 014-10 IMPOSING AN EVENTS ADMISSION TAX;

Chairman Tough referred the Board handout material and then called on Mike Page to present this item. Mr. Page provided a summary of this item as outlined in an Executive Summary and then reviewed the specific sections to be repealed and replaced in Order No. 014-10. Board discussion followed. Chairman Tough then called for a motion and second to adopt Order No. 010-11 relating to the Event Admissions Tax and authorize the Chairman to execute said Order.

MOTION: Motion by Director Blair; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

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Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

A copy of the Executive Summary and Order No. 010-11 are attached hereto collectively as Exhibit "J".

CLOSED MEETING (IF APPLICABLE):

RECESS TO EXECUTIVE SESSION TO DISCUSS MATTERS RELATING TO REAL PROPERTY PURSUANT TO §551.072, TEXAS GOVERNMENT CODE; DELIBERATION OF ECONOMIC DEVELOPMENT NEGOTIATIONS PURSUANT TO §551.087, DISCUSS PERSONNEL MATTERS PURSUANT TO §551.074; TEXAS GOVERNMENT CODE' AND TO CONSULT WITH THE WOODLANDS TOWNSHIP'S ATTORNEY CONCERNING PENDING LITIGATION PURSUANT TO §551.071. TEXAS GOVERNMENT CODE;

Chairman Tough announced that there was no need for Executive Session.

RECEIVE, CONSIDER AND ACT UPON AN AGREEMENT BETWEEN THE CENTER FOR THE PERFORMING ARTS AT THE WOODLANDS TOWNSHIP RELATING TO FUNDING OF CULTURAL EDUCATION EVENTS;

Chairman Tough called on Mike Page to present this item. Mr. Page provided a summary of the item as outlined in an Executive Summary. Mr. Page also noted that neither Order No. 010-11 nor the draft agreement between the Center for the Performing Arts at The Woodlands and The Woodlands Township had been provided to the Pavilion representatives as of today's date. Board discussion followed. As there was no further discussion on this item, Director Blair made the following motion:

MOTION: Motion by Director Blair to approve the agreement in substantially the form presented and authorize the President/General Manager to execute the agreement; second by Vice Chairman Matthews

VOTE:

Ayes: Chairman Tough
Vice Chairman Matthews
Secretary Hunter
Treasurer Robb
Director Blair
Director Campbell
Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "K".

RECEIVE, CONSIDER AND ACT UPON PROVIDING REQUESTED FINANCIAL OR OTHER SUPPORT TO MONTGOMERY COUNTY AND/OR THE LONE STAR GROUNDWATER CONSERVATION DISTRICT IN OPPOSITION TO THE TEXCOM GULF LLC APPLICATIONS FOR INJECTION WELL PERMITS IN MONTGOMERY COUNTY;

Chairman Tough introduced this item and referred the Board to a letter from Montgomery County Attorney, David K. Walker regarding a request on behalf of Montgomery County for funding assistance to pay for legal representation in the County's and City of Conroe's continued opposition to TexCom Gulf

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Disposal's, L.L.C. application for underground injection control permits. Following the Chair's comments, Miles McKinney was called on to provide additional information. Mr. McKinney provided a brief summary of the item as outlined in an Executive Summary. Board discussion followed. Chairman Tough then called for a motion and second to approve an amount of up to \$20,000 to be used to join Montgomery County, Lone Star Groundwater Conservation District, San Jacinto River Authority, Woodlands Joint Powers Agency, City of Conroe and/or other political subdivision parties in actions to oppose issuance of permits for the TexCom project in Montgomery County; and the funding be approved by the Chairman of the Board as requested to support hearings of the injection well matter before the Texas Commission on Environmental Quality, Railroad Commission, Texas Department of Transportation or litigation in court, as determined by parties.

MOTION: Motion by Vice Chairman Matthews; second by Secretary Hunter

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

Copies of Mr. Walker's letter and the Executive Summary for the item above are attached hereto collectively as Exhibit "L".

RECEIVE. CONSIDER AND ACT UPON A FIRST AMENDMENT TO THE HOST VENUE AGREEMENT WITH WORLD TRIATHLON CORPORATION;

Chairman Tough called on John Powers to present this item. Mr. Powers provided a summary of the item as outlined in an Executive Summary. Board discussion followed. Following discussion, Director Blair made the following motion:

MOTION: Motion by Director Blair to approve a First Amendment to the Host Venue Agreement with World Triathlon Corporation in substantially the form presented and authorize the President/General Manager to execute the agreement on behalf of The Woodlands Township; second by Director Hausman

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.

A copy of the Executive Summary for the item above is attached hereto as Exhibit "M".

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DISCUSS FUTURE AGENDA/ANNOUNCEMENTS:

CONSIDERATION OF ITEMS TO BE PLACED ON THE AGENDA FOR NEXT MONTH'S MEETING:

- Vice Chairman Matthews requested that staff provide a status report on the columbarium matter

BOARD ANNOUNCEMENTS:

- None

PUBLIC COMMENT; AND

The following member of the public addressed the Board:

- **Everett Ison**-thanked Board members for their support of the Veterans' Memorial project

ADJOURNMENT:

As there was no further business to discuss, Chairman Tough called for a motion and second to adjourn the meeting at 8:17 p.m.

MOTION: Motion by Secretary Hunter; second by Director Campbell

VOTE: **Ayes:** Chairman Tough
 Vice Chairman Matthews
 Secretary Hunter
 Treasurer Robb
 Director Blair
 Director Campbell
 Director Hausman

Nays: None

Abstentions: None

Absent: None

ACTION: Motion passed unanimously.



Claude Hunter
Secretary, Board of Directors

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EXHIBIT OMISSIONS*

EXHIBIT "A"	EXHIBIT "H"
EXHIBIT "B"	EXHIBIT "I"
EXHIBIT "C"	EXHIBIT "J"
EXHIBIT "D"	EXHIBIT "K"
EXHIBIT "E"	EXHIBIT "L"
EXHIBIT "F"	EXHIBIT "M"
EXHIBIT "G"	

***To view Exhibits, please contact the Records Management Analyst at 281-210-3800.**